

CABINET

MINUTES of the meeting held on Tuesday, 16 September 2014 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Mrs Judith Heathcoat
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo Smith
Councillor Lawrie Stratford

Other Members in Attendance: Councillor Gill Sanders, (Agenda Item 7)
Councillor Liz Brighthouse, (Agenda Items 8 & 12)
Councillor John Sanders, (Agenda Item 9)
Councillor Laura Price, (Agenda Items 10 and 17)
Councillor Jenny Hannaby, (Agenda Item 12)

Officers:

Whole of meeting Joanna Simons (Chief Executive); Sue Whitehead (Chief Executive's office)

Part of meeting

Item	Name
7	Lucy Butler, Deputy Director Children's Social Care & YOS
8	Sue Scane, Director for Environment & Economy
9	Mark Kemp, Deputy Director, Commercial
10	John Jackson, Director of Adult Social Services; Benedict Leigh (Adult Services)
11	Kate Terroni, Deputy Director Joint Commissioning
12	Peter Clark, County Solicitor & Monitoring officer
16	Mark Kemp, Deputy Director, Commercial
17	John Jackson, Director of Adult Social Services

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

77/14 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

An Apology for absence was received from Councillor Hilary Hibbert Biles.

78/14 MINUTES

(Agenda Item. 3)

The minutes of the meeting held on 15 July 2014 were approved and signed.

79/14 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Phillips had given notice of the following question to Councillor Hibbert-Biles:

“The community based sexual health services in East Oxford are currently open 2 hours a day for 4 days a week. Given that a lot has been made of sexual health services provision improving under the management of the County Council can I be advised when community based services in Oxford City will be at the level provided by the NHS which was for an average of 6 hours a day for 6 days a week.”

Councillor Hibbert-Biles replied:

‘The site that is located in East Oxford is a new location opened to provide services at the beginning of July 2014 as part of a network of locations for services delivered by our provider across the County. It was agreed with the providers that as the clinic was a new site that the clinic would open in a “soft launch” to allow services in the clinic to settle in. It is planned that the clinic will have increase opening times from October which will provide increased access to the public from this location. The integrated service also delivers services in Oxford a short distance away at the Churchill Hospital site. The Churchill clinic provides access to extensive services six days a week for those who wish to access them. Both sites in Oxford now provide both Contraceptive & Sexual Health and Sexual Transmitted Infection testing & treatment which is a more comprehensive range of services than was previously available at the previous community site in East Oxford under the NHS which only delivered Contraception services.’

Supplementary: Councillor Phillips asked for information on the increased opening times and queried whether they will be open on a Saturday? It was agreed that Councillor Hibbert Biles would provide a written answer.

Councillor Phillips had given notice of the following question to Councillor Lindsay-Gale:

“The Service & Resource Planning 2015/16 document shows that the School Music Service will lose all its County Council funding by April 2017. Comprehensive analysis has been undertaken by officers and external consultants looking at the organisational options for this much valued service. Please advise when a decision about the organisational status can be expected given that this decision is crucial when applying for funding from other sources?”

Councillor Lindsay-Gale replied:

'Following very detailed analysis of the Oxfordshire Music Service and its role as the lead partner in the Oxfordshire Music Education Hub by the Head of the Music Service, supported by officers in the County Council in the areas of H.R. Finance and Legal Services, the Music Service has developed a strong business plan for the next two years which is currently under discussion with senior officers in the Children, Education & Families Directorate.

The planning is aimed to increase efficiencies within the service, maximise and diversify income streams and streamline business practices in order to greatly reduce, and eventually eliminate, the need for regular revenue support from the County Council.

This process can currently be achieved within the Oxfordshire County Council framework; however, the Music Service will be supported by the directorate towards more independent working and is, for example, currently examining options for a new Management Information System that will greatly enhance business efficiency and customer interfaces.

There is currently no active process of privatisation or externalisation, but as the Music Service demonstrates its capacity to manage as a business unit with increasing independence from the County Council this position can and will be reconsidered.'

Supplementary: Asked whether the intention was still that all Council funding would be withdrawn by 2017 Councillor Lindsay-Gale replied that that was still currently the plan but that the date remained under review. Councillor Hudspeth added that they are confident of their ability to generate income.

Councillor Fooks had given notice of the following question to Councillor Nimmo Smith:

"The Motion passed by 34 votes to 2 at Full Council on April 1st recommended that 'The impact on the health of Oxfordshire residents, from NOX and particulates, should be considered as new large developments are proposed and new transport strategies developed. This is immediately relevant in the development of Local Transport Plan (LTP) 4, the updated Oxford Transport Strategy and the Westgate and Northern Gateway developments.

How are you taking this into account in LTP4 and the transport proposals for major developments such as the Northern Gateway?

How are you taking into account the further recommendation that 'all transport strategies should include an emphasis on the possible use of pollution-free fuels, freight consolidation strategies and alternative transport modes?'"

Councillor Nimmo Smith replied:

'LTP4, including the main policy document and its area and supporting strategies, is currently being drafted, taking into account the feedback received in the recent consultation on its goals and objectives. Impacts on human health and the environment will be key considerations, and will be assessed as part of the Strategic Environmental Assessment of the Plan. Policy and strategies that support modal shift away from private motorised transport will have a positive impact on air quality, and at the local level, strategies will support the district councils' air quality action plans. We will also be developing policy to support the use of less polluting vehicles. The draft LTP will be subject to public consultation early in 2015.

As an example, the North Oxford Transport Strategy Technical Summary, which has informed policies within the City Council's Northern Gateway Area Action Plan, sets out measures that support health and air quality objectives such as a significant reduction in parking spaces for the employment element (compared to 'normal' parking standards).'

'Policy to support the use of less polluting vehicles' - with regard to private vehicles, is something that we are struggling a bit with, but coming under pressure to adopt. The jury's still out on their sustainability, both in terms of whole-life carbon and the risk of increase in short distance car journeys. However, from an 'embracing technology' perspective we would probably want to be more positive in ours'

Supplementary: Asked how freight consolidation strategies were progressing Councillor Nimmo Smith replied that this was a national issue. He noted that with regard to the Northern Gateway, the scheme was the City Council's although Oxfordshire County Council was consulted as a statutory consultee.

80/14 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

Item 7 – Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families

Item 8 – Councillor Liz Brighouse, Opposition Leader

Item 9 – Councillor John Sanders, Shadow Cabinet Member for Environment

Item 10 – Councillor Laura Price, Shadow Cabinet Member for Adult Social Care

Item 12 – Councillor Liz Brighouse, Opposition Leader

Item 17 – Councillor Laura Price, Shadow Cabinet Member for Adult Social Care

**81/14 SERVICE & RESOURCE PLANNING REPORT 2015/16 -
SEPTEMBER 2014**

(Agenda Item. 6)

Cabinet had before them a report that was the first in a series on the Service & Resource Planning process for 2015/16, providing councillors with information on budget issues for the next financial year and the medium term. The report presented the assumptions on which the existing Medium Term Financial Plan (MTFP) is based, the financial strategy that informs the budget setting process, known and potential financial issues for 2015/16 and beyond which impact on the existing MTFP, and proposed a process for Service & Resource Planning for 2015/16 including a timetable of events.

Councillor Stratford, Cabinet Member for Finance, introduced the contents of the report and highlighted that information from central Government was again likely to be late with the final position not known until early February.

The Leader of the Council congratulated the Museums Service for its successful appeal to raise funding to purchase and keep in Oxfordshire the rare bronze Iron Age mirror found near Didcot.

RESOLVED: to:

- (a) note the report;
- (b) approve the Service and Resource Planning process for 2015/16; and
- (c) approve the updated Financial Strategy set out at Annex 3a.

82/14 OFSTED INSPECTION OF CHILDREN'S SERVICES

(Agenda Item. 7)

Cabinet considered a report seeking endorsement of the Council's response to the recent Ofsted Inspection of Children's Services.

Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families welcomed the report and proposals and stressed the importance of recruiting and retaining good foster carers and providing them with good support and training.

Councillor Melinda Tilley, Cabinet Member for Children, Education & Families in proposing the recommendations thanked Councillor Sanders for her comments and noted that it was an area of work that everyone supported.

Lucy Butler, responded to questions from members and confirmed that the Police also had an inspection regime and had been inspected earlier in 2014. Ofsted were looking at multi agency inspections for the future.

RESOLVED: to:

- (a) approve the Action Plan for submission to Ofsted; and
- (b) request the Performance Scrutiny Committee to undertake a 6 monthly review of progress.

83/14 STRATEGIC ECONOMIC PLAN AND THE LOCAL GROWTH DEAL(SEP) UPDATE

(Agenda Item. 8)

Cabinet had before them a report that provided the Cabinet with an update on Oxfordshire's recently announced Local Growth Fund (LGF) allocation to 2021 and the process for future LGF funding rounds. The report also sought approval to further develop the approved schemes and to support match-funding being identified in the Council's capital programme for 2015/16.

Councillor Brighthouse, Opposition Leader, spoke in support of the proposals but stressed the need to ensure that growth was sustainable and inclusive and did not leave people, living in poorer areas, behind. When developing sites she asked that the communities around them were not forgotten. She added that these were enormous projects at a time when the Council's workforce was depleted so there were risks and the Council needed to be clear about those.

The Leader in introducing the report took on board the points being made and commented that it was also about upskilling people and providing a range of jobs as well as a range of housing tenures. In acknowledging the risks he stressed the Government support and highlighted several of the major infrastructure schemes.

RESOLVED: to agree that County Council lead schemes noted in paragraphs 10 and 11 of the report are brought forward as part of the 2015/16 capital programme to ensure proper revenue and resource planning can be undertaken.

84/14 HIGHWAYS ASSET MANAGEMENT PLAN

(Agenda Item. 9)

Cabinet considered an updated strategy for maintenance of the public highway in the form of a Highway Asset Management Plan. The draft document was submitted to Cabinet for consideration and adoption as Council policy.

Councillor John Sanders, Shadow Cabinet Member for Environment referred to the hard work of both officers and councillors on the HAMP and expressed disappointment to see the inevitable long term deterioration of roads. He asked that Cabinet lobby Government to put real money in to ensure a viable network. The Leader commented that he did this at every opportunity. He

congratulated the highways team on what they achieved given the level of funding available.

Councillor Nimmo Smith, Cabinet Member for Environment thanked Councillor Sanders for his comments with which he agreed.

RESOLVED: to: approve the Highways Asset Management Policy and Strategy.

85/14 OUTCOME BASED CONTRACTING FOR MENTAL HEALTH AND OLDER PEOPLE SERVICES

(Agenda Item. 10)

Cabinet considered a report on Outcomes Based Contracting which is an NHS priority as a way of managing spending and activity by making health care providers responsible for delivering outcomes, rather than paying them for activity. The substantial and ongoing pressures on health and social care services, and large activity pressures with acute (hospital) care mean that there needs to be action to manage costs and activity over the medium term.

Councillor Laura Price, Shadow Cabinet Member for Adult Social Care, recognised that the report set out attractive objectives but commented that it was clear from the report that it involved huge risks. In particular she highlighted the long contracts with providers. She sought assurance that the mix of providers did not exclude small providers. She would like to see information on those affected as soon as possible. Also she queried how dynamic long contracts could be and how easy it would be to switch out providers where necessary. An additional concern was around governance and performance indicators.

Councillor Judith Heathcoat, Cabinet Member for Adult Social Care, responded to the comments made noting that it was a challenging process. She heard the concerns and the length of contracts would be reviewed as part of the process. She added that as far as governance was concerned the meetings of the Older Peoples Joint Management Group were open to the public.

Councillor Heathcoat proposed the recommendations commenting that it was a priority for the NHS and allowed best use of pooled budgets by supporting groups of providers and focussing on outcomes for clients. She acknowledged that there were risks but noted that she and the Shadow Cabinet Member were kept fully briefed. Monitoring would be very careful with regular reports to the Older Peoples Joint Management Group. John Jackson referred to the links to the Better Care Fund report later on the agenda and commented that whilst there were risks it was important also to see the benefits.

RESOLVED: to:

- (a) Support the transition of the NHS to focus on outcomes rather than activities as the right direction for the benefit of the health of people in Oxfordshire; to recognise that the change is essential if the NHS in Oxfordshire is to be able to manage with the resources available and that the NHS managing within the resources is crucial to securing the resources of £8m from the Better Care Fund to protect Adult Social Care services and to secure resources to pay for the costs of the new Care Act.
- (b) Delegate authority to negotiate Oxfordshire County Council's engagement with these two OBC contracts to the Director of Adult Social Services with certain conditions namely:
 - (i) That this is limited to adult social care services for people with mental health problems and reablement and intermediate care services for older people;
 - (ii) That there are specific outcome measures for both reablement and intermediate care that relate to our strategy of limiting demand for health and social care;
 - (iii) That there is a genuine pooling of resources for mental health; and
 - (iv) That the final negotiated position is subject to the prior agreement of the County Solicitor as to compliance with proper procurement requirements.

86/14 DEPRIVATION OF LIBERTY SAFEGUARDS RESOURCE IMPLICATIONS FOLLOWING SUPREME COURT JUDGMENT IN MARCH 2014

(Agenda Item. 11)

The Cheshire West judgment was handed down by the Supreme Court on 19th March 2014. This judgment has had a significant impact on the workload to meet the Deprivation of Liberty Safeguards (DoLS) due to the increased scope of the definition of 'deprivation of liberty' and consequently the number of service users that are now within the remit of Deprivation of Liberty Safeguards who are placed within care homes and hospitals.

Cabinet considered a report that provided an understanding of the Deprivation of Liberty Safeguards, the context to the judgment and the operational impact of responding to the judgment in Oxfordshire. The report considered the risks to Oxfordshire County Council and how these were being addressed and managed and the need to consider how to meet the additional responsibilities on the Department.

Councillor Heathcoat introduced the contents of the report, noted that locally Oxfordshire was in a good place but referred to the implications in terms of workloads and pressures on staff of increased requests.

During discussion Cabinet explored the working of the processes in place and were advised that the aim was to ensure that people were cared for in the least restrictive way possible.

RESOLVED: to note the impact of the Cheshire West judgement on the Authority due to the significant increase in requests in order to meet our statutory requirements, through increased staffing and financial resources and note the actions taken to manage these impacts.

87/14 GOVERNANCE AND CONSTITUTION REVIEW 2014 - SEPTEMBER

(Agenda Item. 12)

In April 2013, the Council adopted new governance arrangements which came into effect following the May 2013 elections. The Council asked its Monitoring Officer to review the effectiveness of these decision-making arrangements a year after their coming into operation, along with the underlying Constitution. His recommendations will be considered by Full Council on 9 December. Cabinet had before them a report that summarised the emerging issues from the Monitoring Officer's review.

Councillor Brighouse, Chairman of Performance Scrutiny Committee, commented that in her view the Performance Scrutiny Committee was beginning to work in a way that was really useful for the whole of Council. It appeared that some Members were not keeping up with the pace of change. The Committee had held seminars on the pathways to care. They would do more in the future but it needed people to participate for things to move forward. She asked Cabinet to encourage Councillors to get engaged so that they were in a position to contribute to issues such as those on the agenda today: outcome based contracting, deprivation of liberty safeguards and the Better Care Fund.

Peter Clark, County Solicitor and Monitoring Officer highlighted the key issues.

The Leader commented that he had made efforts to ensure that Cabinet meetings are more open but was open to suggestions about how to encourage debate which he preferred to see at Cabinet before a decision was made rather than later at Council. In the spirit of openness he invited Councillor Jenny Hannaby who was in the public seating to give her comments.

Councillor Hannaby stated that it was about engagement and getting information. When not part of the formal opposition it was not always possible to access information. She felt that for members of the public attending Cabinet it was not easy to become engaged in the meeting as most of the discussion was held elsewhere. Communication was important with few private meetings and reports being open about risks. Councillors should be encouraged to attend.

During discussion Cabinet endorsed the positive impact of locality meetings, noted that the positive development of Cabinet Advisory Groups rested with Cabinet Members who needed to share issues and encourage councillor involvement. Cabinet noted that there was a tremendous amount of information available for councillors on the web site or from libraries. Having considered the report Cabinet:

RESOLVED: to endorse the direction of travel of the review.

88/14 STAFFING REPORT - QUARTER 1 - 2014

(Agenda Item. 13)

Cabinet considered a report that provided an update on staffing numbers and related activity during the period 1 April 2014 to 30 June 2014. The report also tracked progress on staffing numbers since 31 March 2014 as the Council continued to implement our Business Strategy.

RESOLVED: to:

- (a) note the report; and
- (b) confirm that the Staffing Report meets the requirements in reporting and managing staffing numbers.

89/14 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 14)

The Cabinet considered a list of items for the immediately forthcoming meetings of the Cabinet together with changes and additions set out in the schedule of addenda.

RESOLVED: to note the items currently identified for forthcoming meetings.

90/14 A34 MAJOR IMPROVEMENT SCHEMES

(Agenda Item. 16)

The information contained in the annex is exempt in that it falls within the following prescribed category:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that where a tender or bidding process is in progress disclosure would distort the proper process of open competition and would prejudice the position of the authority in the process of the transaction and the Council's standing generally in relation to such transactions in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

RESOLVED: to:

- (a) approve the Stage 2 – Full Business Case for the Milton Interchange scheme.
- (b) give delegated authority to the Director for Environment and Economy in consultation with the Leader to Award the contract for construction once tender assessment is complete and provided the costs are within the budget envelope

91/14 BETTER CARE FUND

(Agenda Item. 17)

Cabinet had before them a report on the proposed use of the Better Care Fund in Oxfordshire, prior to submission to NHS England by 19 September 2014. This was an update to the plan previously agreed by Cabinet and the Health and Wellbeing Board in March 2014, to reflect updated Government guidance and requirements issued in July and August 2014.

Cabinet considered a supplementary report updating the position from the original report and recommending that the supplementary paper be submitted to Government as an overview plan that demonstrates the shared commitment to work together but also set out the particular problems that are faced in Oxfordshire.

Councillor Laura Price, Shadow Cabinet Member for Adult Social Care referred to the links between the Better Care Fund and Outcome Based Commissioning. She highlighted that this was not new money but was to be negotiated with the NHS. She supported the writing of the addenda report as it was important to be realistic about how achievable proposals were. It was important to protect our access to the funding; she awaited the detailed plans and appreciated that the Director of Adult Social Services was committed to ongoing discussions.

Councillor Judith Heathcoat, Cabinet Member for Adult Social Care introduced the reports and noted that the later report supersedes the first. More work was required.

RESOLVED to agree the overview of the Better Care Fund Plan for Oxfordshire as set out in the Supplementary Report to this meeting for submission to NHS England by 19 September 2014, subject to the inclusion of any necessary changes following consideration by the Health and Wellbeing Board and Clinical Commissioning Group Governing Body as agreed by Chairman (Leader of the Council) and Vice Chairman (Clinical Chair of the Clinical Commissioning Group) of the Health and Wellbeing Board.

..... in the Chair

Date of signing

2014